THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE G.V.SEETHAPATHY

TAKEN UP WRIT PETITION No.20939 OF 2006

DATE: 06-11-2006

Between:

Nasreen Kouser
R/o.H.No.2-6-47, 48 & 49,
Flat No.101, Surya Arcade,
Sikh Village, Secunderabad.

.. Petitioner

AND

The Station House Officer
Bowenpally Police Station,
Secunderabad & another

.. Respondents

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ORAL ORDER: (Per the Honourable Sri Justice D.S.R.Varma)

Heard the learned Advocate General, appearing for the respondents.

2. This is a taken up Writ Petition on the basis of a 'petition, dated 30.09.2006, by one Nasreen Kouser, House No.2-6-47, 48 & 49, Flat No.101, Surya Arcade, Sikh Village, Secunderabad, to the Honourable the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her husband by name Sardar Khan was illegally detained by the police, Bowenpally Police Station,

Hyderabad, and she has been apprehending danger to his life.

3. In response to the notice, issued by this Court, the respondent No.1 -- Inspector of Police, Bowenpally Police Station, Secunderabad, filed a counter-affidavit stating, *inter alia*, that upon receiving the notice, an enquiry has been caused and the investigation revealed that the alleged detenu had married another lady and blessed with children also. Several other particulars regarding the domestic affairs of the petitioner and the alleged detenu have been narrated in the affidavit.

4. It is further stated in the counter-affidavit that the police did not call the detenu in connection with any investigation and denied the allegation that the alleged detenu was taken away by the police; that during the course of investigation, if necessary, the police will call the alleged detenu by following due process of law in order to enquire with regard to the complaint, dated 09.09.2006, of the first wife of the alleged detenu and that, at present, the alleged detenu is not in the custody of police and he has been moving freely and attending to his day-to-day affairs without any fear. To that effect, the statements of the petitioner as well as the alleged detenu, recorded by the Mandal Revenue Inspector, Malkajgiri, Secunderabad, have been placed before this Court, which reveal that the alleged detenu is moving freely. The said statements of the petitioner as well as the alleged detenu have been made part of the record, which reveal that the alleged detenu is no longer in the custody of the police. Therefore, nothing survives for adjudication in this writ petition.

5. In view of the revelations in the counter-affidavit, we do find no reason to continue the writ petition.

6. Accordingly, the Writ Petition is closed, at the stage of admission. However, there shall be no order as to o costs.

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D.S.R. VARMA, J

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G.V. SEETHAPATHY, J

Date:06-11-2006
PV/KRK